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ABSTRACT

Intended for adult education administrators and instructors, the purpose of this handbook is to provide practical information on the legal rights and responsibilities of adult education programs and of students with disabilites related to providing and obtaining accommodations. The Handbook contains specific information about disabilities, accommodations, and legal issues. Legal definitions, citations, and explanations are presented in a user-friendly format. Quick-reference lists are provided throughout the text to summarize key points. Samples of a code of conduct, public notice sign, and detailed checklists for determining the accessibility of program communications and facilities are also included. A list of possible accommodations includes the following services: (1) additional time to complete tasks; (2) assistive devices; (3) adaptive tools; (4) taped, large print, or brailled texts; (5) readers; (6) taped, typed, or dictated answers; (7) private work areas; (8) calculators; (9) note takers; (10) repeated instructions; (11) oral or sign language interpreters; (12) modification of existing equipment; (13) written instructions; (14) changes in desk height; and (15) changes in lighting. Guidelines to consider in selecting an accommodation are provided and state accommodations should be based on documented individual needs, allow the most integrated experience possible, not compromise the essential requirements of a course, not pose a threat to personal or public safety, not impose undue financial or administrative burden, and not be of a personal nature. (CR)

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ED 461 228

AE Handbook

Adult Educator Handbook of Rights and Responsibilities

What adult educators need to know about working with adults with disabilities

Written by
Betty Horton
and
Jean Hall

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University of Kansas
Institute for Adult Studies

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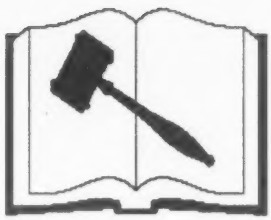

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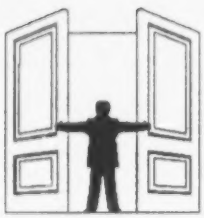
Introduction

This Handbook contains information on legal definitions of disability, legal rights and responsibilities of programs and students, accommodation provision, and supplemental information and checklists for surveying program accessibility. The intended audience for use includes adult education administrators, instructors, and volunteers.



The purpose of the Handbook is to provide practical information on the legal rights and responsibilities of adult education programs and of students with disabilities related to providing and obtaining accommodations. The Handbook contains specific information about disabilities, accommodations, and legal issues. Legal definitions, citations, and explanations are presented in a user-friendly format. Quick-reference lists are provided throughout the text to summarize key points. Samples of a code of conduct, public notice sign, and detailed checklists for determining the accessibility of program communications and facilities are also included. These materials in the Handbook may be used to guide the development of new adult education programs or to evaluate existing ones.

The Handbook was developed in response to requests by adult educators for information on legal issues related to working with adults with disabilities. In developing the Handbook, project staff conducted a thorough literature and legislation review and consulted various experts on disability law. We also incorporated suggestions from our Consumer Panel, Resource Team, consultants, and national and statewide interviews and surveys.

The Handbook text should be used as a reference by adult education staff whenever questions arise concerning legal issues. The supporting materials in the handbook can be used to answer questions and guide practice in the development of self-evaluations, program qualifications, codes of conduct, and public notices. The contents of this product will benefit both educators and learners by answering legal questions and providing step by step procedures for program accessibility.

What is a disability?

The legal definition for "disability" differs in the Individuals with Disabilities Education Act (IDEA), the Rehabilitation Act of 1973, and the Americans with Disabilities Act (ADA). These differences may be attributed, in part, to the circumstances or aims of the legislation.

Within IDEA, the definition of "children with disabilities" includes school-age children with mental retardation, hearing impairments, visual impairments, serious emotional disturbance, orthopedic impairments, autism, traumatic brain injury, other health impairments, or specific learning disabilities. The aim of this legislation is to provide "free and appropriate public education" to students who need special education and related services.

The term "individual with a disability" in Section 504 of the Rehabilitation Act of 1973 is aimed at more global societal and employment-related outcomes. However, this law applies only to entities receiving any type of federal funding. In Section 504, an individual with a disability is defined as any person who has a physical or mental impairment which constitutes or results in a substantial impediment to employment and who has a physical or mental impairment which substantially limits one or more of major life activities.

The definitions of disability contained in Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act (ADA) are almost identical. The primary difference between these two pieces of legislation is that the aim of ADA is broader and more far-reaching because it extends non-discrimination and accommodations mandates to private institutions. Under the ADA, a person is considered disabled who (a) has a physical or mental impairment that substantially limits one or more of the major life activities of the individual; (b) has a record of such impairment; or (c) is regarded as having such an impairment (28 CFR §35.104). Adults with disabilities include persons with conditions, diseases, and infections, such as orthopedic, visual, speech, and hearing impairments; epilepsy, muscular dystrophy, multiple sclerosis; cancer; heart disease; diabetes; and infection with the Human Immunodeficiency Virus (HIV). Major life activities include the following:

- *Caring for oneself*
- *Performing manual tasks*
- *Walking*
- *Seeing*
- *Hearing*
- *Speaking*
- *Breathing*
- *Learning*
- *Working*

What are the legal rights of adults with disabilities?

If a person with a disability meets the academic and technical standards requisite to admission or participation in an adult education program, the person must be ensured equal educational opportunity. This includes:

- *Program accessibility*
- *Use of auxiliary aids and services*
- *Academic accommodations*

Several major pieces of legislation apply directly to nondiscrimination and program access for adults with disabilities. Section 504 of the Rehabilitation Act of 1973 guarantees that a person with a disability will not be discriminated against because of that handicap in any program receiving federal funds. For example, Section 504 requires that a recipient [of federal funds] to which this subpart applies shall educate, or shall provide for the education of, each qualified person with a disability in its jurisdiction with persons who are not disabled to the maximum extent appropriate to the needs of the person with a disability. A recipient shall place a person with a disability in the regular environment with the use of supplementary aids and services (34 CFR 104.34)

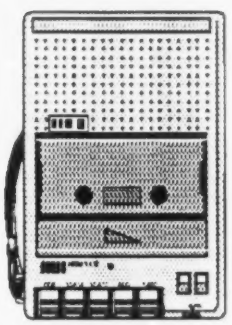
The Americans with Disabilities Act (ADA) expands the scope of Section 504 and addresses the availability of accommodations or auxiliary aids as well as physical access to services. Title I of the ADA prohibits discrimination in employment in all businesses and programs with 15 or more employees and requires reasonable accommodations in hiring, training, and promoting people with disabilities. Titles II and III of the ADA address access to services and employment in State and local government; require accessible public accommodations in stores, hotels, commercial operations, and recreation and cultural activities; and mandate equal access in telecommunications for individuals with hearing and/or speech impairments.

The Individuals with Disabilities Education Act (IDEA, PL 101-476) stipulates that local education agencies are responsible for identifying, assessing, and serving all students with disabilities ages 3 to 21 or the age a student leaves the public school. Two criteria must be met to establish eligibility and receive a free, appropriate public education under the Act: (a) a student must be identified as having one or more of the disabilities defined under the Act and (b) a student must require special education and related services. Unlike the ADA, IDEA is a funded mandate, and IDEA funds are sometimes available to adult education programs providing services to adults under age 22. The availability of these funds varies from state to state.

What is an accommodation?

"Accommodation" means any change to a classroom environment or task that permits a qualified student with a disability to participate in the classroom process, to perform the essential tasks of the class, or to enjoy benefits and privileges of classroom participation equal to those enjoyed by adult learners without disabilities. An accommodation is a legally mandated change that creates an equitable opportunity for task completion or environmental access. Further, an accommodation is an individually determined adjustment to a functional need. Specific accommodations can range from low-tech rubber pencil grips to high-tech voice recognition software for a computer.

An accommodation may include use of equipment or changes in environments, procedures, or attitudes:



- *Additional time to complete tasks*
- *Assistive devices*
- *Adaptive tools*
- *Taped, large print, or brailled text*
- *Readers*
- *Taped, typed or dictated answers*
- *Private work areas*
- *Calculators*
- *Note takers*
- *Repeated instructions*
- *Oral or sign language interpreters*
- *Modification of existing equipment*
- *Written instructions*
- *Changes in desk height*
- *Changes in lighting*

A public entity is not required to take action or provide any accommodation that would result in a fundamental alteration in the nature of its service, program, or activity or in undue financial and administrative burdens. A program is permitted to determine the *essential* requirements of a course. If providing an accommodation would in some way compromise those requirements, the program is not required to do so. For example, if changing the format of a test fundamentally alters its capacity to measure the skill being tested, then a format change is not required. However, the program should attempt to investigate other changes that might be possible.

When answering what impact an accommodation had on an adult learner, a state-wide sample of adult educators provided the following responses:

- Became more trusting
- Self-confidence improved
- Self-esteem improved
- Became more productive
- Became friendlier to staff
- Increased interaction with staff and other students
- Became more comfortable
- Attendance improved

In addition, a program is permitted to consider the cost of an accommodation when deciding between equivalent means of providing access. For example, if two types of software are available that magnify the text on a computer monitor for a student with a visual impairment, the program can choose to provide the less expensive version, so long as it is equally effective.

The ADA provides guidelines for documenting a claim of undue burden or fundamental alteration. Nevertheless, claiming undue burden or fundamental alteration does not relieve a public entity of its obligation to provide accommodations for people with disabilities. If a program is not able to provide a particular modification or accommodation to ensure equal access, the program staff must take other measures, to the maximum extent possible, to ensure that it does not discriminate against individuals with disabilities in any of its services or activities.

Thus, the following are guidelines to consider in selecting an accommodation. An accommodation should:

(a) be based on documented individual needs
(b) allow the most integrated experience possible
(c) not compromise the essential requirements of a course or program
(d) not pose a threat to personal or public safety
(e) not impose undue financial or administrative burdens on the program
(f) not be of a personal nature, e.g. personally prescribed devices such as eyeglasses, or personal services such as assistance in eating or toileting.

When adult learners with disabilities from a state-wide sample were asked about their experiences with accommodations or adult education programs in general, the following comments were made:

"Use what works for me, not for someone else" when selecting an accommodation. (Most adult learners interviewed were able to identify at least one coping skill that they had developed to compensate for their disability.)

Being involved in the program gave me "more confidence in myself."

Almost all learners expressed an appreciation for being able to participate in an adult education program.

What are the legal responsibilities of adult education programs?

Although most adult educators are probably aware of the Americans with Disabilities Act and its overall importance, they may not be aware of some of the specific provisions within the law. In addition to the general requirements of program and facility accessibility and non-discrimination in programs, five administrative requirements in the ADA, Title II, apply to adult education programs administered through state, county, or city government:

1. Designate a responsible employee (ADA coordinator)
2. Provide public notice
3. Establish grievance procedure
4. Conduct self-evaluation
5. Develop transition plan

Designate a Responsible Employee as an ADA Coordinator

Section 35.107 (required as of 1-26-92)

This requirement applies only to entities with fifty or more employees, but includes *all* employees of an entity, not just the adult education program. For example, if a city administered an adult education program that employed only 5 staff members, but the city as a whole had 500 employees, the *city* would be required to appoint an ADA Coordinator. This person is responsible for answering inquiries about city programs, planning and coordinating compliance efforts, and receiving and investigating ADA-related grievances concerning programs, services, practices, and employment. Written notice displaying the name, office address, and telephone number of the employee(s) designated as the ADA Coordinator must be posted in each building or room where services are offered (see sample public notice).

Entities subject to 504 (i.e., that receive federal funding) with 15 or more employees are required to designate a Section 504 compliance coordinator. It would be reasonable to use the same person for ADA coordination responsibilities. This requirement means that all adult education programs have access to at least one person for questions about the ADA and accommodations.

Provide Notice of ADA Requirements

Section 35.106 (required as of 1-26-92)

This requirement applies to all public entities, regardless of size. All such entities must provide information to applicants, participants, beneficiaries, and other interested parties regarding the rights of people under Title II and how Title II applies to their particular programs, services, and activities. Methods of providing this information include, but are not limited to, publication in handbooks, manuals, pamphlets, and enrollment/application materials that are distributed to the public to describe a public entity's programs and activities. Other methods include the display of informational posters in service centers and other public places and/or the broadcast of information by television or radio. A sample notice is included on the next page. The entity must provide this information in an *ongoing* basis.

Public notice of ADA requirements must be made available in alternative formats to meet the diverse communication needs of persons with disabilities. Alternate formats, including large print, Braille, computer disk, and audio tape, are used to help ensure that adults with disabilities are made aware of their legal rights.

Establish a Grievance Procedure

Section 35.107 (required as of 1-26-92)

Public entities employing 50 or more people are required to establish a grievance procedure for prompt and equitable resolution of complaints concerning program accessibility, equal opportunity, supplementary aids and services, and accommodations. Obviously, this requirement becomes important when problems, such as in obtaining an accommodation, cannot be resolved at a lower level.

Conduct a Self-Evaluation

Section 35.105 (required as of1-26-93)

All public entities, regardless of size, must conduct a self-evaluation of current services, policies, and practices to ensure that they are in compliance with the ADA. The self-evaluation must cover four areas: employment, nondiscrimination in programs and activities, communications, and program and facility accessibility. In the self-evaluation, the public entity must: a) identify any policies or practices that do not comply with Title II requirements, and b) modify policies and practices to bring them into compliance. A general self-evaluation conducted by a larger public entity, such as a city, may not specifically address areas such as program and facility accessibility as they apply to individual programs. For this reason, adult education centers are advised to conduct self-evaluations in these areas. Checklists for measuring accessibility of communications and physical facilities are included in the following pages.

Develop a Transition Plan

Section 35.150 (completed by 1-26-92)

In the event that structural changes to facilities need to be undertaken to achieve program accessibility, a public entity with 50 or more employees must develop a transition plan designating the steps necessary to complete these changes. At a minimum, the plan must perform the following: a) identify physical obstacles that limit accessibility; b) describe the methods that will be used to correct these obstacles; c) specify a schedule for the changes; and d) indicate the person(s) responsible for implementing the plan.

Sample of Public Notice

Required under Title II of the ADA

[NAME OF ADULT EDUCATION PROGRAM] does not discriminate on the basis of disability in admission to its programs, services, or activities, in access to them, in treatment of individuals with disabilities, or in any aspect of their operations. The **[program]** also does not discriminate on the basis of disability in its hiring or employment practices.

This notice is provided as required by Title II of the Americans with Disabilities Act of 1990 (ADA) and Section 504 of the Rehabilitation Act of 1973. Questions, complaints, or requests for additional information regarding the ADA and Section 504 may be forwarded to the designated ADA and Section 504 compliance coordinator.

Name and Title:
Office Address:
Phone Number (Voice/TDD):
Days/Hours Available:

This notice is available from the ADA and Section 504 compliance coordinator in large print, on audio tape, and in Braille. **[If additional alternative formats are available, such as computer bulletin boards, the program may state that this notice is available in additional alternative formats].**

Effective Program Communication

In order to provide equal access to their services and avoid discrimination against people with disabilities, adult education programs are required under Title II to make auxiliary aids and services available when necessary to ensure effective communication with both students and the general public (28 CFR §35.160). Auxiliary aids and services include a wide range of services, equipment, and devices that provide effective alternate communication to people with visual, hearing or speech disabilities.

Visual Communication

Information that is communicated visually, such as printed materials or visual displays, must be made accessible to people with visual and cognitive disabilities through auxiliary aids and services. In your assessment of visual communication within your program, consider all aspects of the program, including outreach, advertising, public meetings, and communications with the general public, applicants, and program participants. Examples include:

- ◊ brochures
- ◊ handbooks
- ◊ workbooks
- ◊ slide shows
- ◊ letters
- ◊ videotapes
- ◊ posters

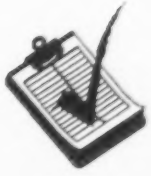
Aural/Oral Communication

"Aural" information is any information that is heard, while "oral" information refers to spoken information. Programs that communicate information aurally to applicants or participants or that require a participant or applicant to use oral communication must make that information accessible to people who have hearing or speech disabilities by providing auxiliary aids and services.

In your assessment of program communications, consider communication involved in all aspects of the program, including outreach, advertising, public meetings and hearings, and communications with the general public, applicants, and program participants. Examples include:

- ◊ classroom lectures
- ◊ speakers
- ◊ video tapes
- ◊ television programs
- ◊ telephone conversations

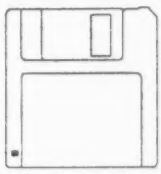
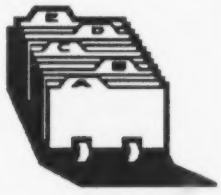
Using the Communication Checklists



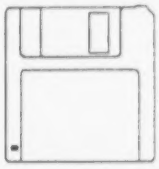
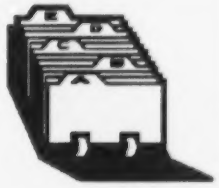
For each type of communication, check those accessible formats that your program already has available. Be sure to consider accessibility of *all* program communication, not just communication that occurs within the classroom (e.g., brochures, telephone conversations). If you can provide the auxiliary aid or service within your program, note this in the Provider Information column. For example, if you can provide written documents on computer diskette, indicate this. If your program does not have a certain accessible format available at this time, investigate ways of obtaining it so it will be available if needed and list the provider name and contact information in the space provided. Find out the processing time for each provider so you can inform an individual who requests an alternate format how long it will take to provide it. You may also want to check to see if your umbrella agency has standing provider contracts for obtaining any of the formats. Independent Living Centers (ILC's) and other resources listed in the Handbook are also good places to ask about possible providers.

After you have completed the checklists, inform the public (in flyers, brochures, advertisements, etc.) that you have alternate formats available. Establish procedures for timely response to requests for alternate formats. A person with a disability should not be forced to wait an inordinate period of time to receive materials in an accessible format.

Visual Communications Checklist (page 1 of 2)

Auxiliary aid or service 	Currently Available	Provider Information 
large print	Yes ☐ No ☐	Provider: Address : Phone #: Processing time:
Braille	Yes ☐ No ☐	Provider: Address : Phone #: Processing time:
audio tape	Yes ☐ No ☐	Provider: Address : Phone #: Processing time:
readers	Yes ☐ No ☐	Provider: Address : Phone #: Processing time:
computer diskette	Yes ☐ No ☐	Provider: Address : Phone #: Processing time:
verbal descriptions	Yes ☐ No ☐	Provider: Address : Phone #: Processing time:

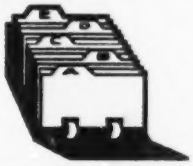
Visual Communications Checklist (page 2 of 2)

Auxiliary aid or service 	Currently Available	Provider Information 
computer adaptations (e.g., enlarged text, voice synthesizer)	Yes ☐ No ☐	Provider: Address : Phone #: Processing time:
pictorial signage	Yes ☐ No ☐	Provider: Address : Phone #: Processing time:
others (list)	Yes ☐ No ☐	Provider: Address : Phone #: Processing time:

Aural/Oral Communications Checklist (page 1 of 2)

Auxiliary aid or service	Currently Available	Provider Information
sign language interpreters	Yes ☐ No ☐	Provider: Address : Phone #: Processing time:
notetakers	Yes ☐ No ☐	Provider: Address : Phone #: Processing time:
written materials	Yes ☐ No ☐	Provider: Address : Phone #: Processing time:
TDD (Telecommunications Device for the Deaf)	Yes ☐ No ☐	Provider: Address : Phone #: Processing time:
telephone amplification	Yes ☐ No ☐	Provider: Address : Phone #: Processing time:
paper and pen	Yes ☐ No ☐	Provider: Address : Phone #: Processing time:
caption decoder	Yes ☐ No ☐	Provider: Address : Phone #: Processing time:

Aural/Oral Communication Checklist (page 2 of 2)

Auxiliary aid or service	Currently Available	Provider Information 
real time captioning	Yes ☐ No ☐	Provider: Address : Phone #: Processing time:
assistive listening devices	Yes ☐ No ☐	Provider: Address : Phone #: Processing time:
word processors	Yes ☐ No ☐	Provider: Address : Phone #: Processing time:
others (list)	Yes ☐ No ☐	Provider: Address : Phone #: Processing time:

PROGRAM ACCESSIBILITY

In a broad sense, program accessibility can be considered a type of accommodation—one which makes the overall program available to learners with disabilities. For existing facilities, both Title II and 504 require that a program, when viewed in its entirety, is readily accessible to and usable by people with disabilities (28 CFR § 35.150 & 34 CFR § 104.22). By law, an adult education center must make its programs and activities accessible unless it can demonstrate that the required modifications would result in fundamental alteration of the program or undue financial and administrative burdens. Both laws require that new or altered facilities (those built or altered after January 26, 1992) are readily accessible. No fundamental alteration or undue burden limitations exist for providing accessibility in new or altered facilities, so a new or newly altered facility that is inaccessible is in violation of the law. Finally, when an adult education program leases space, the program is responsible for providing accessibility to all classes it offers there.

Title II and 504 both offer some flexibility in how accessibility requirements can be met in existing facilities by allowing either structural or nonstructural methods of compliance. Although nonstructural methods of achieving program accessibility in existing facilities are allowed, nonstructural solutions should not have the effect of segregating people with disabilities or compromising their dignity and independence. Some acceptable methods of achieving program accessibility are:

- ◊ Reassignment of services to an accessible location (e.g., to a ground floor or to another building)
- ◊ Purchase, redesign or relocation of equipment (e.g., providing work stations, modifying doorknobs, or moving computers to an accessible room)
- ◊ Assignment of aides (e.g., to retrieve a book from an inaccessible shelf or an inaccessible library).
- ◊ Structural changes (installing a ramp, widening a door, etc.)

Using the Accessibility Checklists

This checklist is provided for program staff who want to review the accessibility of their facility. It can be used to identify potential barriers and possible solutions. The checklist is based on the ADA Accessibility Guidelines (ADAAG) and citations are given for each section. The checklist is not designed to be a comprehensive evaluation tool to assess compliance, but rather a starting point for evaluating overall program accessibility.

The following steps are recommended in conducting a facility survey using this checklist:

1. Establish a timeline for completing the survey.

2. Assign people to be responsible for the survey, preferably at least three. If people with disabilities can be enlisted to help, they can often identify additional barriers and/or possible solutions.

3. Duplicate the checklist for use in multiple classrooms, restrooms, etc.

4. Conduct the survey. Bring copies of the checklist, a clipboard, pencil, and a flexible tape measure. As the survey is conducted, think about the facility's accessibility from the perspective of people with physical, sensory, and cognitive disabilities.

5. Compile results of the survey, and prepare an action plan to correct inaccessible features as necessary.

Program Accessibility Checklists (page 1 of 6)

Questions			Possible Solutions
Accessible Approach/Parking/Entrance Once they arrive at a program, people with disabilities should be able to approach the building and enter is as freely as anyone else. At least one route of travel to the entrance of the facility should be accessible to everyone, including people with disabilities.			
Route of Travel (ADAAG 4.3, 4.4, 4.5,4.7) Is a route of travel available that does not require the use of stairs?	**Yes** [ ]	**No** [ ]	[ ] Add a ramp if the route of travel is interrupted by stairs [ ] Add an alternative route on level ground
Is the route of travel stable, firm and slip-resistant?	**Yes** [ ]	**No** [ ]	[ ] Repair uneven pavement [ ] Fill small bumps and breaks wit [ ] Replace gravel with hard top
Is the route at least 36 inches wide?	**Yes** [ ]	**No** [ ]	[ ] Change or move landscaping, furnishings, or other features that narrow the route of travel [ ] Widen the route
Do curbs on the route have curb cuts?	**Yes** [ ]	**No** [ ]	[ ] Install curb cuts [ ] Add small ramps at curbs
Ramps (ADAAG 4.8) Are the slopes of the ramps no greater than 1:12? (Slope is the ratio of height to length: 1:12 means that for every one inch of height the ramp rises, there is at least twelve inches of length along it. Thus, the minimum length for a ramp on a three inch curb would be 36".)	**Yes** [ ]	**No** [ ]	[ ] Lengthen the ramp to decrease slope [ ] Reconfigure the ramp to include switchbacks
Do all ramps longer than 6 feet have handrails on both sides?	**Yes** [ ]	**No** [ ]	[ ] Relocate the ramp
Are handrails sturdy, and between 30 and 38 inches high?	**Yes** [ ]	**No** [ ]	[ ] Add handrails [ ] Adjust height of rails [ ] Secure rails tightly
Is the clear width of the ramp at least 36 inches?	**Yes** [ ]	**No** [ ]	[ ] Widen the ramp
Is the surface of hte ramp slip-resistant?	**Yes** [ ]	**No** [ ]	[ ] Add non-slip surfacing

Program Accessibility Checklists (page 2 of 6)

Questions

Parking (ADAAG 4.6)
Total number of parking spaces _____.
Current number of accessible spaces _____.
Required number of accessible spaces (see below) _____.

ADAAG requirements (4.6):

Total parking in lot	Minimum No. of accessible spaces	Van accessible spaces
1-25	1	1
26-50	2	1
51-75	3	1
76-100	4	1
101-150	5	1
151-200	6	1
201-300	7	1
301-400	8	1
401-500	9	1
501-1000	2% of total	1-2
1000+	20+1 for each 100 over 1000	2+

(At least 1 in every 8 accessible spaces must be van accessible)

	Yes	No
Are spaces marked with the international symbol of accessibility (see below)? Are there signs reading "Van Accessible" at van spaces?	[ ]	[ ]

	Yes	No
Are the access aisles part of the accessible route to the accessible entrance?	[ ]	[ ]
Are the accessible spaces closest to the accessible entrance, and is a procedure in place to enforce use of accessible spaces only by those displaying a placard or other identification?	[ ]	[ ]

Entrance (ADAAG 4.14)

	Yes	No
If there are stairs at the main entrance, is a ramp or lift also available, or is an alternative accessible entrance available?	[ ]	[ ]

Do not use a service entrance as the accessible entrance unless there is no other option.

	Yes	No
Do all inaccessible entrances have a sign indicating the location of the nearest accessible entrance?	[ ]	[ ]

Adapted from Adaptive Environments (1992)

Possible Solutions

[ ] Reconfigure spaces to create ___ accessible spaces 8' wide with a 5' access aisle. Two spaces may share one aisle

[ ] Reconfigure to provide ____ 16' wide van-accessible spaces

Universal parking option: Provide accessible spaces 11' wide with a 5' access aisle. This type of space can accommodate either a car or a van.

[ ] Install appropriate upright signs that are not obscured by a vehicle parked in the space

[ ] Move existing signs so that they are not obscured by a vehicle parked in the space

[ ] Add curb cuts or ramps as needed

[ ] Relocate accessible spaces

[ ] Implement an enforcement policy

[ ] If it is not possible to make the main entrance accessible, create a dignified alternate accessible entrance

[ ] Install signs before the inaccessible entrance so that people do not have to retrace the approach

Program Accessibility Checklists (page 3 of 6)

Questions	Possible Solutions
Entrance (continued) Are doormats 1/2 ' high or less, and securely installed to prevent tripping? **Yes** [ ] **No** [ ]	[ ] Replace or remove mats [ ] Secure mats at edges
Doors (ADAAG 4.13) Does the entrance door have at least 32 inches of clear opening (for a double door, at least one 32-inch leaf)? **Yes** [ ] **No** [ ]	[ ] Widen the door [ ] Install off-set (swing-clear) hinges
Is at least 18 inches of clear wall space available on the pull side of the door, next to the handle? **Yes** [ ] **No** [ ] *A person using a wheelchair or crutches needs this space to get close enough to the door to open it.*	[ ] Remove or relocate furnishings or other obstructions [ ] Add power-assisted or automatic door opener [ ] Move door
Is the threshold level less than 1/4" high or beveled, up to 1/2" high? **Yes** [ ] **No** [ ]	[ ] If the threshold is 3/4" or higher, remove it; otherwise, add a bevel
Is the door handle no higher than 48 inches and operable with a closed fist (the door should be openable by someone with limited upper body strength and/or hand control)? **Yes** [ ] **No** [ ]	[ ] Replace inaccessible knob with a lever handle [ ] Retrofit existing knob with an add-on lever extension
Access to Programs/Services Ideally, the layout of the building should allow people with disabilities to obtain materials or services without assistance. All inside doors should conform to the requirements listed under "doors" in the previous section.	
Movement within the building (ADAAG 4.3) Is the route of travel to all public spaces at least 36 inches wide? **Yes** [ ] **No** [ ]	[ ] Move furnishings such as tables, chairs, display racks, vending machines, and counters to make more room
Is a 5 foot circle or T-shaped space available along the route of travel for a person using a wheelchair to reverse direction? **Yes** [ ] **No** [ ]	[ ] Rearrange furnishings, displays, and/or equipment
Adapted from Adaptive Environments (1992)	

Program Accessibility Checklists (page 4 of 6)

Questions	Possible Solutions
Rooms & Spaces (ADAAG 4.2, 4.4, 4.5,4.30) Are all aisles and pathways to materials and services at least 36 inches wide? **Yes** [ ] **No** [ ] Is carpeting low-pile, tightly woven, and securely attached along edges? **Yes** [ ] **No** [ ] In routes through public areas, are all obstacles cane-detectable (located within 27 inches of the floor or higher than 80 inches, or protruding less than 4 inches from the wall)? **Yes** [ ] **No** [ ] Do signs designating restrooms, exit doors, and room numbers comply with the appropriate standards for tactile signage? **Yes** [ ] **No** [ ]	[ ] Rearrange furnishings and fixtures to clear aisles [ ] Secure edges of carpet on all sides [ ] Replace carpeting [ ] Remove obstacles [ ] Install furnishings, planters, or other cane-detectable barriers below obstacles [ ] Letters and numerals should be raised 1/32 of an inch, upper case, sans serif, accompanied with Grade 2 Braille
Seats, Tables & Counters (ADAAG 4.2, 4.32) Are the tops of tables or counters between 28 and 34 inches high? **Yes** [ ] **No** [ ] Are knee spaces at accessible tables at least 27 inches high, 30 inches wide, and 19 inches deep? **Yes** [ ] **No** [ ]	[ ] Adjust surface level [ ] Replace or adjust tables
Elevators (ADAAG 4.10) Are both visible and audible door opening/closing and floor indicators in place? **Yes** [ ] **No** [ ] Are the call buttons in the hallway no higher than 42 inches? **Yes** [ ] **No** [ ] Do the controls outside and inside the cab have raised and Braille lettering? **Yes** [ ] **No** [ ] Is a sign in place on the jamb at each floor identifying the floor in raised and Braille letters? **Yes** [ ] **No** [ ] If an emergency intercom is provided, is it usable without voice communication? **Yes** [ ] **No** [ ] Is the emergency intercom identified by Braille and raised lettering? **Yes** [ ] **No** [ ] Adapted from Adaptive Environments (1992)	[ ] Install visible and/or audible signals [ ] Lower call buttons [ ] Provide a permanently attached reach stick [ ] Install raised lettering and/or Braille next to buttons [ ] Install tactile signs to identify floor numbers, at a height of 60 inches from the floor. [ ] Modify communication system [ ] Add tactile identification

Program Accessibility Checklists (page 5 of 6)

Questions			Possible Solutions
Rest Rooms When restrooms are open to the public, they should be accessible to people with disabilities. Doors to accessible restrooms should meet the requirements listed under "Doors," above, including having tactile signage.			
Lavatories (ADAAG 4.19, 4.27) Does one lavatory have a 30-inch-wide by 48-inch-deep clear space in front?	**Yes** [ ]	**No** [ ]	[ ] Replace or alter existing lavatory
Is the lavatory rim no higher than 34 inches?	**Yes** [ ]	**No** [ ]	[ ] Adjust or replace lavatory
Can the faucet be operated with one closed fist?	**Yes** [ ]	**No** [ ]	[ ] Replace faucet handles with paddle type
Are hot water lines and drains wrapped?	**Yes** [ ]	**No** [ ]	[ ] Wrap pipes with insulating material
Is the mirror mounted with the bottom edge of the reflecting surface no more than 40" above the floor?	**Yes** [ ]	**No** [ ]	[ ] Lower the existing mirror or add another
Are soap, towel and other dispensers, and hand dryers, 48" or lower for a front approach, or 54" or lower for a side approach?	**Yes** [ ]	**No** [ ]	[ ] Lower existing dispensers [ ] Provide additional, accessible dispensers
Stalls (ADAAG 4.16, 4.17) Is a wheelchair-accessible stall that has an area of at least 5 feet by 5 feet, clear of the door swing, available OR is a stall available that is less accessible but that provides greater access than a typical stall (either 36"X 69" or 48"X 69")?	**Yes** [ ]	**No** [ ]	[ ] Move partitions [ ] Reverse the door swing
In the accessible stall, are grab bars in place behind and on the side wall nearest to the toilet, 33-36" above the floor?	**Yes** [ ]	**No** [ ]	[ ] Add or adjust grab bars
Is the toilet seat 17 to 19 inches high?	**Yes** [ ]	**No** [ ]	[ ] Add a raised seat
Is the toilet paper height 19 inches to the center of the roll?	**Yes** [ ]	**No** [ ]	[ ] Move toilet paper dispenser

Program Accessibility Checklists (page 6 of 6)

Questions			Possible Solutions
Additional Access When amenities such as drinking fountains or public telephones are provided to the general public, they should also be accessible to people with disabilities.			
Drinking Fountains (ADAAG 4.15) Is at least one fountain available with clear floor space of at least 30 by 48 inches in front?	**Yes** [ ]	**No** [ ]	[ ] Rearrange furniture to create more floor space
Does that fountain have its spout no higher than 36" above the ground?	**Yes** [ ]	**No** [ ]	[ ] Provide cup dispensers for fountains with spouts that are too high [ ] Provide accessible water cooler
Are controls mounted on the front or near the front edge, and operable with one closed fist?	**Yes** [ ]	**No** [ ]	[ ] Replace controls
Telephones (ADAAG 4.31) If pay or public phones are provided, is clear floor space of at least 30 by 48 inches available in front of at least one?	**Yes** [ ]	**No** [ ]	[ ] Move furnishings [ ] Replace booth with open station
Is the highest operable part of the phone no higher than 48 inches (54 inches if a side approach is possible)?	**Yes** [ ]	**No** [ ]	[ ] Lower telephone
Is the phone hearing-aid compatible?	**Yes** [ ]	**No** [ ]	[ ] Contact phone company to replace with hearing-aid compatible phone
Does the phone have volume control?	**Yes** [ ]	**No** [ ]	[ ] Contact the phone company to add volume control
Emergency Egress (ADAAG 4.28) Do all alarms have both flashing lights and audible signals?	**Yes** [ ]	**No** [ ]	[ ] Install visible and audible alarms

Adapted from Adaptive Environments (1992)

What are the legal rights of Adult Education Programs?

Adult education program staff may be concerned whether a student with a disability can meet the prerequisite academic and technical standards of a course of study or program, and whether the student can perform the essential tasks of the course or program with reasonable academic adjustments and auxiliary aids. A qualified individual with a disability is defined in Section 35.104 of the ADA as "...an individual with a disability who, with or without reasonable modifications to rules, policies, or practices, the removal of architectural, communication, or transportation barriers, or the provision of auxiliary aids and services, meets the essential eligibility requirements for the receipt of services or the participation in programs or activities provided by a public entity."

Scott (1990) recommends a set of practical guidelines for consideration of whether a prospective student or applicant is qualified. We have also drafted a sample list of program qualifications for adaptation by individual programs. These documents are included in the following pages.

Programs can also establish reasonable codes of conduct which prohibit disruptive or other inappropriate behaviors as long as they do not screen out or tend to screen out people with disabilities (a sample version is provided). Neutral rules, such as legitimate safety concerns, are permitted even when the effect is to screen out people with disabilities (28 CFR §35.130(b)(8)). A *fear* of disruptive behavior based on presumptions or stereotypes about a given disability is *not* sufficient, however, to exclude an individual with a disability from a program. Educators should make it clear to all of their students what types of conduct are not acceptable, and work with students, when possible, to modify unacceptable behaviors.

Guidelines for Establishing Whether a Student is Qualified for a Program of Study

Adapted from Scott (1990)

In determining the requirements and standards for each class, teachers and administrators might ask themselves the following questions:

Course.

a. What academic skills must be demonstrated?
b. What percentage of subject area knowledge must be mastered?
c. What specific knowledge, principles, or concepts must be mastered?

Instructional Methods.

a. What methods of instruction are non-negotiable?
b. Why aren't they negotiable? (For example, auditory presentation of musical compositions may be deemed absolutely necessary in a music appreciation class because of the designated nature and purpose of the course).

Assessment.

a. What methods of assessing outcome variables are absolutely necessary?
b. Why are they necessary? (For example, a nursing student's proficiency in starting an IV must be assessed by physical performance because of skill development required by the major and/or licensing requirements.)

Performance.

What are acceptable levels of performance on these measures? (For example, 100% of program competencies must be demonstrated; 85% of exam questions must be answered or performed correctly.)

Student Variables.

a. What preexisting abilities or skills must all participating students possess?
b. Is there a minimal level of proficiency in these abilities?
c. Does the ability or skill necessarily need to be performed in a prescribed manner?
d. Does the student understand the essential purpose of the course and any subsequent restrictions on accommodating methods of instruction or means of evaluation?
e. Can the student meet all essential requirements in spite of his or her disability when given reasonable accommodation?
f. Will accommodating individual needs pose a risk to personal or public safety?

Sample Qualifications for Program Participation

1. Ability to learn and retain new information

Our staff work with learners to help them achieve their curricular and vocational goals. Enrollees must demonstrate within six weeks of starting classes that they are able to benefit in a measurable way from participation.

2. Ability to abide by Code of Conduct
(see page 79)

Learning is a purposeful activity and more difficult for some participants than others. The Code of Conduct helps all learners benefit from their study time. Therefore, enrollees in the program are expected and required to abide by the attached Code of Conduct. Violation of the Code will result in dismissal from the program.

3. Ability to be responsible for maintaining a daily class activity record

One way in which progress towards goals is measured is through a daily activity record. Each enrollee in the program has an assignment record and is responsible for updating it daily so that progress can be monitored.

4. Ability to complete daily assignments with or without accommodation

Enrollees in the program must be able to complete assignments with or without accommodation. Examples of accommodations include tape recorders, large print materials, time extensions, and calculators. Accommodations that pose a risk to personal or public safety are not allowed.

5. Ability to remain in the classroom without constant supervision by staff

Enrollees in the program are expected to remain in the classroom during class periods except during regularly scheduled breaks or as pre-arranged with the instructor. Staff need to be notified in advance if auxiliary aids or services are requested.

6. Ability to understand the essential purpose of the program

Our program is designed for persons who can understand instruction and use it to pursue educational goals. Persons enrolling in the program should be able to understand this purpose, have an appropriate goal to pursue, and participate in the curricular choices and instructional activities.

All persons who enter the program complete an assessment to determine their current educational needs and aptitudes. Initial enrollment in the program does not imply that a student will continue to be eligible.

Sample Code of Conduct

Learning Center Code of Conduct

For everyone to be able to learn well, the Learning Center asks you to please follow these rules:

1. Be honest; don't cheat
2. Do not abuse physically or verbally, threaten, hit or mistreat any person
3. Be courteous to and respectful to the staff and students and do not disrupt the class
4. Do not steal, vandalize, deface or damage property of the college, college employees or fellow students
5. Do not use, sell, possess, distribute or be under the influence of or in association with narcotics, drugs or alcohol
6. Do not smoke or chew tobacco while in the building
7. Follow the directions of learning center staff performing their duties

Failure to follow the Learning Center Code of Conduct will result in dismissal.

STUDENT SIGNATURE _____ DATE _____

Information and Resources

Compliance and resource information for states, communities, employers, and individuals with disabilities is available through several Federal agencies and programs. These include the Civil Rights Division of the Department of Justice, the Department of Transportation, the President's Committee on Employment of People with Disabilities, the Equal Employment Opportunities Commission, the Architectural and Transportation Barriers Compliance Board, and the National Institute on Disability and Rehabilitation Research (NIDRR). Specific references and resources are listed below.

References

Adaptive Environments Center, Inc. (1992). ADA Title II Action Guide for State and Local Governments.

Equal Employment Opportunity Commission and U.S. Department of Justice (1991). Americans With Disabilities Act Handbook.

Scott, S. S. (1994). Determining reasonable academic adjustments for college students with learning disabilities. Journal of Learning Disabilities, 27, 403-412.

Scott, S. S. (1990). Coming to terms with the "otherwise qualified" student with a learning disability. Journal of Learning Disabilities, 23, 398-405.

U.S. Department of Education, Office for Civil Rights (1995). Compliance with the Americans with Disabilities Act: A Self-Evaluation Guide for Public Elementary and Secondary Schools.

Resources

(for a more complete listing, see the *Compendium of Materials and Resources*)

Regional Disability and Business Technical Assistance Centers. Ten of these centers are located throughout the country to provide information on the ADA. To get the telephone number for the center nearest you, call 1-800-949-4232.

Disability Rights Education and Defense Fund (DREDF). This is a legal resource center providing technical assistance on disability laws. 1-800-466-4232

Independent Living Centers(ILC's). More than 200 ILC's are located nationwide. They are community-based service and advocacy programs run by people with disabilities and are a good source of local information and assistance on issues related to the ADA. ILC staff can often provide assistance in conducting accessibility surveys of a facility. To find the ILC closest to you, check your phone book, or call *Independent Living Research Utilization* (ILRU) at (713) 520-0232.

U.S. Department of Justice ADA Information Line provides technical assistance in understanding responsibilities of programs under Title II of the ADA. 1-800-514-0301.

ADA National Access for Public Schools Project provides information on the ADA specifically geared toward educational programs. 1-800-893-1225.

Summary of Questions and Answers about Rights and Responsibilities

Question	Answer
What is a disability?	**A disability means a physical or mental impairment that substantially limits one or more major life activities:** ◊ caring for oneself ◊ walking ◊ seeing ◊ hearing ◊ speaking ◊ breathing ◊ learning ◊ working
What are the legal rights of adult learners with disabilities?	**Legal rights of adult learners with disabilities include:** ◊ program accessibility ◊ non-discrimination/equal opportunity ◊ use of auxiliary aids and services ◊ academic adjustments or accommodations
What are the legal responsibilities of adult education programs?	**Five administrative requirements of the ADA apply to of the responsibilities of adult education programs:** ◊ designate a responsible employee ◊ provide notice ◊ establish a grievance procedure ◊ conduct a self-evaluation ◊ develop a transition plan
What is an accommodation?	**An accommodation is a legally mandated change that creates an equitable opportunity for task completion or environmental access such as:** ◊ adaptive tools ◊ assistive devices ◊ additional time for task completion ◊ oral or sign language interpreters ◊ readers ◊ taped, large print, or brailled text ◊ taped, typed or dictated answers ◊ private work area ◊ modification of existing equipment ◊ written instructions ◊ repeated instructions ◊ note takers ◊ calculators
What guidelines should be considered in selecting an accommodation?	**Accommodations should:** ◊ be based on individual needs ◊ allow the most integrated experience possible ◊ not compromise essential course or program requirements ◊ not pose a threat to personal or public safety ◊ not impose an undue financial or administrative burden on the program ◊ not be of a personal nature